

R E M A R K S

An Office Action was mailed on May 5, 2009. Claims 13, 14 and 18-28 are now pending. Claims 1-12 and 15-17 have been cancelled without prejudice. New Claims 18-28 have been added, with no new matter having been added.

Claims 1-7, 9-10, 13, and 14 stand rejected under 35 U.S.C. §102(e) as being anticipated by Baumagarte et al. (U.S. 2003/0003553). Claims 16 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Baumagarte et al. in view of Veldhuis (U.S. 5,621,855). Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Baumagarte in view of Davis et al. (WO 99/04498).

Independent claims 13 and 14 has been amended to recite the limitation of “wherein the measure of similarity *is selected from the group consisting of* a value of a cross-correlation function at a maximum of said cross-correlation function of the multi-channel output signal *and a function of increasing with the dissimilarity of the multi-channel output signal.*” Support for the above limitations can at least be found on page 4, lines 9-18. Applicant respectfully submits that the cited Baumagarte and Veldhuis, alone or in combination, fail to teach or suggest the above limitations as claimed in amended claims 13-14.

Since Baumagarte and Veldhuis, alone or in combination, does not teach all of the limitations of independent claims 13-14, it cannot render the present invention unpatentable. For

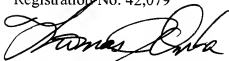
at least the above cited reasons, Applicant submits that Claims 13-14 are patentable over Baumagarte.

With regard to new claims 18-28 these claims recite a decoding apparatus. Support for these claims can be found on page 19, line 26 – page 22, line 15. Applicant respectfully submits that the cited Baumagarte and Veldhuis references, either alone or in combination, fail to teach or suggest the above limitations as claimed in new claims 18-27.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. Entry of this Amendment and A Notice of Allowance is respectfully requested.

Respectfully submitted,

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Date: July 2, 2009

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